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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,352	01/18/2002	Timothy W. Rawlings	9059.00	9275

29994 7590 05/16/2003

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EXAMINER

NORDMEYER, PATRICIA L

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 05/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/051,352

Applicant(s)

RAWLINGS, TIMOTHY W.

Examiner

Patricia L. Nordmeyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase “can be folded” in claims 1 and 18 is unclear, which render the claims vague and indefinite. The phrase is not a positive limitation on the claimed invention. The substrate only needs to have the ability to be folded and does not actually have to be folded.

Clarification/correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 3, 5, 6, 9, 10 and 17 – 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Tataryan et al. (USPN 6,136,130).

Tataryan et al. discloses a printable substrate that is folded during storage and is unfolded

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before being printed on (Column 1, lines 4 – 6). The substrate is a single sheet of card stock or a label laminate with integrated labels (Column 3, lines 13 – 14) that contains one fold line across the width of the sheet, defining where the sheet is folded (Figure 1, #24). A line of perforations extends across the width and entire thickness (Figure 3, #26) of the sheet, allowing the sheet to be folded (Column 4, lines 57 – 62). The perforations are able to be formed in a variety of combinations and configurations as long as the perforations provide the necessary strength and flexibility (Column 4, lines 47 – 57), and they are inherently formed in a discontinuous line of perforations with intermittent non-perforated areas (Figure 1, #24). The sheet is folded and unfolded at least once before printing without separation occurring (Figure 4). In order to separate the sheet at the fold line, a tensile strength of at least 4.5 to 5 or more kilograms must be applied (Column 4, lines 38 – 41). The non-perforated sections of the fold line comprise 50% of the fold line (Column 5, lines 5 – 7).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 7, 8 and 11 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tataryan et al. (USPN 6,136,130) in view of Popat et al. (USPN 5,662,976).

Tataryan et al. discloses the claimed printable substrate with a line of perforations that

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extends across the width and entire thickness (Figure 3, #26) of the sheet, allowing the sheet to be folded (Column 4, lines 57 – 62). The perforations are able to be formed in a variety of combinations and configurations as long as the perforations provide the necessary strength and flexibility (Column 4, lines 47 – 57), therefore it would be obvious to one of ordinary skill in the art to form the perforations in a discontinuous line of perforations with intermittent non-perforated areas where the length of the non-perforated section is 20% of the width with areas of microperforations of equal length. However, Tataryan et al. fails to disclose the printable substrate being a form with removable labels integrated therein having preprinted indicia on said print medium, the substrate having two or more fold lines, the perforations having a maximum dimension in the range of 0.2 to 0.4 mm and the ties between these perforations are less than 0.5 mm in length and wherein the non-perforated sections have a length from 1 to 5 mm.

Popat et al. teaches to fold lines formed by microperforations through the thickness of the card stock (Figure 3, #48 and 50 and Column 3, lines 40 – 46) to form two or more sections (Column 2, lines 51 – 55), where the microperforations have cuts in lengths between 0.24 mm to 0.27mm and ties between 0.11mm and 0.14 mm (Column 8, lines 44 – 49) in a printable laminated card substrate with preprinted indicia on the substrate (Column 7, lines 35 – 37) for the purpose of printing a laminated card with a laser jet printer from a sheet of material having a constant thickness that will not cause jams in the printer paper path.

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the microperforations with specific cut and tie lengths in a

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card stock material with preprinted indicia in Tataryan et al. in order to print a laminated card with a laser jet printer from a sheet of material having a constant thickness that will not cause jams in the printer paper path as taught by Popat et al.

7. Claims 14 – 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tataryan et al. in view of Janssen (USPN 3,547,752).

Tataryan et al. discloses the claimed invention except for the non-perforated sections on the fold line are of different lengths and are spaced unevenly along the fold line, non-perforated sections are positioned on the fold line so as to be aligned with feed rollers of a preselected printer and the non-perforated sections from 2 cm to 10 cm are positioned on the fold line within 1 to 3 inches of each edge of said printer medium to be aligned with printer rollers of a printer.

Janssen teaches a variety of different perforations and non-perforations including non-perforated being different lengths and spaced unevenly (Figure 6, #21 and 22) in a sheet (Column 1, lines 14 – 19) that is printed with indicia (Column 1, lines 35 – 36) for the purpose of giving the sheet flexibility to conform to the curvature of the curved platens in different printing machines.

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the non-perforated sections on the fold line are of different lengths and are spaced unevenly along the fold line, non-perforated sections are positioned on

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the fold line so as to be aligned with feed rollers of a preselected printer and the non-perforated sections from 2 cm to 10 cm are positioned on the fold line within 1 to 3 inches of each edge of said printer medium to be aligned with printer rollers of a printer in Tataryan et al. in order to give the sheet flexibility to conform to the curvature of the curved platens in different printing machines as taught by Janssen.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (703) 306-5480. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (703) 308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Patricia L. Nordmeyer
Examiner
Art Unit 1772

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pln

May 12, 2003


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1072

5/14/03